

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

PATRICK LEMUEL BASS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:05-cv-603-MHT-SRW
)	
SHERIFF JAY JONES, et al.,)	
)	
Defendants.)	

ANSWER OF DEFENDANTS

COME NOW Jay Jones, Sheriff of Lee County, Alabama, and Donnie Surret, Defendants in the above-styled cause, and submit their answer to Plaintiff's Original Complaint and Amendment to his Complaint as follows:

Answer

The Defendants in this action deny each and every allegation made by the Plaintiff, Patrick Lemuel Bass, and require strict proof thereof. The Defendants deny that they acted, or caused anyone to act, in such a manner so as to deprive the Plaintiff of his constitutional rights.

Affirmative Defenses

1. The Plaintiff's Complaint, separately and severally, fails to state a claim upon which relief may be granted.
2. The Defendants in this action, in their individual capacities, are entitled to qualified immunity from the Plaintiff's claims.
3. The Defendants in this matter, in their official capacities, are entitled to absolute immunity from the Plaintiff's claims pursuant to the Eleventh Amendment to the United States Constitution.

4. Defendants, in their official capacities, are not “persons” under 42 U.S.C.A. § 1983.

5. The Plaintiff’s claims are barred by the Prison Litigation Reform Act.

6. Plaintiff fails to allege any affirmative causal link between the alleged acts of Defendants and any alleged constitutional deprivation or Defendants’ direct participation in any alleged constitutional violation.

7. The Plaintiff’s claims are barred as there is no *respondeat superior* theory of liability under 42 U.S.C. § 1983.

8. Defendants did not use excessive force.

9. Plaintiff has not had a serious medical need.

10. Defendant was not deliberately indifferent in any respect.

11. The Plaintiff cannot prove a violation of his rights under the Fourth, Eighth, or Fourteenth Amendments to the United States Constitution.

12. Plaintiff’s claims are barred by the doctrine set forth in Heck v. Humphrey.

Respectfully submitted this 26th day of October, 2005.

s/Kelly Gallops Davidson

KELLY GALLOPS DAVIDSON Bar No. DAV123

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CERTIFICATE OF SERVICE

I hereby certify that on this the 26th day of October, 2005, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

Patrick Lemuel Bass
P.O. Box 2407
Opelika, AL 36801

s/Kelly Gallops Davidson
OF COUNSEL